

March 19, 1979

LB 255, 537

CLERK: Mr. President, LB 255. Title read.

SENATOR KREMER: This is LB 255, Mr. Chairman?

SPEAKER MARVEL: LB 255

SENATOR KREMER: Mr. Chairman, LB 255 was brought to us because of the Supreme Court decision and LB 255 would repeal several sections in Chapter 75, namely, 406 to 408. These statutes authorize the Public Service Commission to issue orders requiring a railroad to apportion its cars in accordance with the rules and regulations adopted by the Commission. Now when the Commission determines what is the supply of the cars when a railroad when such time that the cars are not adequate. Now in 1973 the Commission adopted some rules which were properly challenged in the courts, and the challenge was the Nebraska Public Service Commission versus the Chicago Northwestern Transportation Company. The court held that their rules were void and unconstitutional because the power of the Public Service Commission in the area of distribution of railroad cars has not been preempted...has been preempted by Congressional action in adopting an interstate commerce act. So what we are doing here is simply repealing the sections of the law that the court ruled were unconstitutional because we are subject to the federal actions taken and adopted in the interstate commerce act and will not work. So I move the adoption of the bill that would strike these sections of Chapter 75.

SPEAKER MARVEL: Motion is to advance LB 255 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? We are voting on LB 255 to advance the bill to E & R for review. Have you all voted? We are voting on LB 255, advancing it to E & R for review. The motion is to advance the bill to E & R for review. The Clerk will record.

CLERK: 27 ayes, 0 nays on the motion to advance, Mr. President.

SPEAKER MARVEL: Motion is carried and the bill is advanced. LB 537.

CLERK: Mr. President, LB 537. Title read. The bill was read for the first time on January 26. It was referred to the Ag and Environment Committee. It was advanced to General File. There are no amendments, Mr. President.